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JUN 24 2004  
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**DECLARATION OF KEVIN F. SMITH  
UNDER 37 CFR 1.131 ANTEDATING A PRIOR ART REFERENCE**

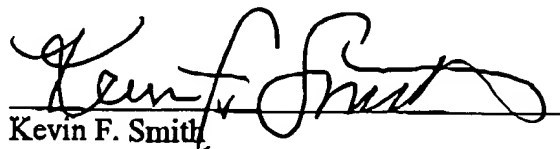
I, Kevin H. Smith, acknowledge that any willful false statements in the like are punishable by fine or imprisonment or both and they jeopardize the validity of the application any patent issuing thereon. All statements made herein are made of my own knowledge and are true and all statements made on information and belief are believed to be true. I hereby declare that I am the inventor of U.S. Patent Application Serial No. 09/689,488 entitled **PRESCEDULING SEQUENTIAL DATA PREFETCHES IN A PREEXISTING LRU CACHE**, which was filed on October 12, 2000. I have recently become aware of a prior art reference which has been cited against my patent application. The reference is U.S. Patent No. 6,622,168 B1 Issued to Anindya Datta on November 24, 2000 for a **DYNAMIC PAGE GENERATION ACCELERATION USING COMPONENT LEVEL CACHING**. I declare that I invented the subject matter of my patent application prior to the date of filing of U.S. Patent No. 6,662,168 B1, which was filed on November 24, 2000 and claims priority to a Provisional Patent Application No. 60/195,806 filed on April 10, 2000. My invention was reduced to practice prior to April 10, 2000. Additionally, I was diligent in filing the patent application from the date of April 10, 2000 until the actual filing date of the patent application which was October 12, 2000.

Attached hereto is an IBM disclosure submission form number SJO8-1999-0443 submitted by myself for my invention on December 13, 1999. The invention disclosure form contains a description of my invention which evidences the fact that the invention was reduced to practice as of that date. Additionally submitted is a PowerPoint presentation made to the patent review board prior to the date of April 10, 2000 showing further evidence of the reduction of practice of my invention.

In addition to reduction to practice, I exercised diligence in submitting the invention submission to IBM which then conducted a search on February 9, 2000. Subsequently, IBM attorneys reviewed the search to determine if the patent application was novel. Upon determining that it was, it was submitted to outside counsel for preparation and filing on March 14, 2000. The outside counsel then took a disclosure for the patent application during May of 2000. A first draft of the patent application was submitted to me on or about June 9, 2000. It was then submitted to the in-house IBM attorney on July 7, 2000 for final review. The Patent application was approved by myself and the IBM attorney and ultimately filed on the date of October 12, 2000. All parties involved exercised due diligence in preparing, reviewing, and submitting the patent application.

I further declare that the prior art reference 6,622,168 B1 which has been cited by the Examiner in this case does not claim same invention as my patent application.

Dated this 10<sup>th</sup> day of June, 2004

  
Kevin F. Smith